

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:19-cr-0099-JMS-DLP
)	
JUAN AGUSTIN-SECUNDO,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On March 22, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 27, 2021. Defendant Agustin-Secundo appeared in person with his appointed counsel Joseph Cleary. The government appeared by Kathryn Olivier, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Andrea Hillgoth.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Agustin-Secundo of his rights and provided him with a copy of the petition. Defendant Agustin-Secundo orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Agustin-Secundo admitted violation number 2. [Docket No. 40.] The Court did not make a finding as to violation number 1.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“You must not commit another federal, state, or local crime.”**

On January 25, 2021, Juan Agustin-Secundo was found to have illegally re-entered the United States. He is not a citizen of the United States, nor does he have any lawful immigration status in the United States. Mr. Agustin-Secundo has been deported twice previously in 2014 and 2019.

4. The parties stipulated that:

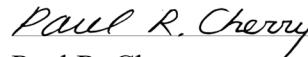
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

5. The parties jointly recommended a sentence of twelve (12) months and one (1) day with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3/23/2021


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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